APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,968	12/31/2001	Tim Kerry Keyes	17243-00042	3148

7590	09/08/2006

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EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/035,968	KEYES ET AL.
	Examiner	Art Unit	
	Clement B. Graham	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION
Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Tarter et al(Hereinafter Tarter U.S Patent 5, 550, 734 .

As per claims 1, Tarter discloses a method for assessing a loan portfolio comprising a plurality of loans, said method comprising the steps of.

identifying a milestone for at least one loan in the portfolio at a selected time of assessment;

determining planned collections for the loan for the selected time of assessment(see column 10 lines 10-65 and column 10-26 lines 1-67)

determining actual collections for the loan the selected time period of assessment(see column 10 lines 10-65 and column 10-26 lines 1-67)

and populating a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections at the milestone for the loan. (Note abstract and see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 2, Tarter discloses wherein the milestone for at least one loan comprises one of not contacted, in negotiation, scheduled for approval, approved, approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 3, Tarter discloses wherein determining planned collections comprises the steps of denormalizing a business plan to create a listoriented format for each loan and each planned payment, coding planned payments to an index of time, and determining cumulative planned collections for each loan. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 4, Tarter discloses wherein determining actual collections comprises the steps of coding actual payments for each loan to an index of time and determining cumulative actual payments for each loan. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 5, Tarter discloses a database for a variance tracking system, said database comprising a memory storage having data stored therein, said data comprising:

a milestone status for each of a plurality of loans;

planned payments for each loan(see column 10 lines 10-65 and column 10-26 lines 1-67) actual payments for a plurality of loans;

indexes of time associated with each planned payment and with each actual payment. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 6, Tarter discloses a computer program for controlling operation of a computer to determine variance in a loan portfolio, said computer program executable to control the computer to:

associate each loan in the portfolio with one of a plurality of milestones;

determine cumulative planned collections for a selected loan for the selected time of assessment;

determine cumulative actual collections for the loan for the selected time period of assessment(see column 10 lines 10-65 and column 10-26 lines 1-67) and determine a cumulative variance for the loan for the selected time period of assessment based on the cumulative planned collections and cumulative actual collections. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 7, Tarter discloses further executable to control a computer to populate a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections at the milestone for the loan. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 8, Tarter discloses wherein the milestone for at least one loan comprises one of not contacted, in negotiation, scheduled for approval, approved,

approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 9, Tarter discloses wherein to determine planned collections, said program is executable to control the computer to denormalize a business plan to create a list-oriented format for each loan and each planned payment, and coding planned payments to an index of time. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 10, Tarter discloses a wherein to determine actual collections, said program is executable to control the computer to code actual payments for each loan to an index of time.(see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 11, Tarter discloses 11 a variance tracker system for tracking variance in a loan portfolio, said system comprising:
a database comprising a memory storage having data stored therein, said data comprising a milestone status for each of a plurality of loans, planned payments for each loan, actual payments for a plurality of loans, and indexes of time associated with each planned payment and with each actual payment(see column 10 lines 10-65 and column 10-26 lines 1-67) and a processor coupled to said database, said processor programmed to associate each loan in the portfolio with one of a plurality of milestones; determine cumulative planned collections for a selected loan for the selected time of assessment(see column 10 lines 10-65 and column 10-26 lines 1-67) determine cumulative actual collections for the loan for the selected time period of assessment; and determine a cumulative variance for the loan for the selected time period of assessment based on the cumulative planned collections and cumulative actual collections. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 12, Tarter discloses a wherein said processor is further programmed to populate a spreadsheet identifying a current milestone and a cumulative variance between planned collections and actual collections at the milestone for the loan. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 13, Tarter discloses wherein the milestone for at least one loan comprises one of not contacted, in negotiation, scheduled for approval, approved,

approved delinquent, closed, closed delinquent, paid-in-full, and foreclosed. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 14, Tarter discloses wherein to determine planned collections, said processor is programmed to denormalize a business plan to create a list-oriented format for each loan and each planned payment, and coding planned payments to an index of time. (see column 10 lines 10-65 and column 10-26 lines 1-67).

As per claim 15, Tarter discloses wherein to determine actual collections, said processor is programmed to code actual payments for each loan to an index of time. (see column 10 lines 10-65 and column 10-26 lines 1-67).

Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Eder (US 2001/0034686 A 1) teaches method of and system for defining and measuring the real options of a commercial enterprise.

Sandretto (US PATENT: 5, 812, 988) teaches method and system for jointly of estimating cash flows simulated returns risk measures and present values for a plurality of assets.

Horsfall (US Patent 2003/0083973 A1) teaches electronic trading system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.
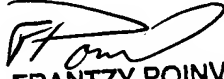
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

August 31, 2006

FRANTZY POINVIL
PRIMARY EXAMINER

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